



South Florida Water Management District

MINUTES GOVERNING BOARD WORKSHOP

October 10, 2007

1:00 PM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

1. Call to Order - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 1:05 pm.

2. Pledge of Allegiance - Eric Buermann, Chairman, Governing Board

Chair Buermann led the group in the Pledge of Allegiance.

3. Approval of Minutes from the last month's Governing Board Meeting

Approval of the Workshop Minutes for September 12, 2007, and Business Meeting Minutes for September 13, 2007, held in West Palm Beach, Florida.

Motion made by Nicolás Gutiérrez, seconded by Melissa Meeker to Approve the following item(s): 3

Vote called. Voting yes: Nicolás Gutiérrez, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

4. Agenda Addendum

Annette Carter, Director, Office of Governing Board & Executive Services, reported on the agenda addendum. Copies were made available to the public.

5. Abstentions by Board Members from items on the Workshop Agenda

There were no abstentions from the Governing Board members.

6. Pull Items for Discussion from Governing Board Business Meeting Agenda

Chair Buermann pulled Item 20 from the Consent Agenda to the Discussion Agenda. Ms. Estenoz also requested to pull Item 20 from the Consent Agenda to the Discussion Agenda.

Water Resources

7. Comprehensive Planning Overview - John Mulliken, Director, Water Supply Planning Division

Carol Wehle, Executive Director, presented information on the overview of Comprehensive Planning. Ms. Wehle reported on the challenges in water resource planning and the Department of Community Affairs (DCA's) position on water supply and natural resource protection.

Ms. Wehle reported on the District's role:

- Comment on local government plans on water resource issues
- Provide technical assistance
- Update water supply plans and respond as affected party (land owner).

Ms. Wehle also reported on the 2005 legislative requirements and the District's issues in Growth Management.

Ms. Wehle reported on assistance to Local Government's when developing draft "white papers" on key District issues. Mrs. Wehle also provided information on the centralization of the District's Planning Department.

Public Comment: Jacquie Cohen, Audubon of Florida, supports the District's Comprehensive Planning efforts.

Public Comment: Patrick Hayes, representing Loxahatchee River Coalition, supports the Comprehensive Planning efforts. He had concerns about storage in the watershed.

Ms. Estenoz provided comment on the planning process, the permitting process, planning decisions and the comprehensive plan amendment process.

Ms. Wehle stated water quality and water quantity will be incorporated into one of the "white" papers.

8. Water Conservation Program - Mark Elsner, Director, Implementation Division, and Deena Reppen, Director, Office of Government and Public Affairs

Mark Elsner, Director, Water Supply Implementation Division, presented information on the development of the Water Conservation Program.

Mr. Elsner reported on background information regarding water regulation, incentives, research and education.

Deena Reppen, Director, Government & Public Affairs, presented information on the Outreach Program and the 2007 water shortage. Ms. Reppen reported on public information pamphlets that were distributed to 4.25M citizens through utility, agency and corporate partnerships. Ms. Reppen reported on the amount of web-site hits and the amount of calls to the Citizen Information Line.

Mr. Elsner reported on the goals of the Comprehensive Water Conservation Program:

- Create year-round culture of conservation
- Eliminate wasteful water use
- Minimize impact of extreme weather on water users
- Efficient water use
- Establish partnerships to maximize effectiveness
- Integrate with other District responsibilities

Mr. Elsner reported on the Water Conservation Program components, regulatory initiatives, and voluntary & incentive-based initiatives.

Ms. Reppen reported on the Public Information & Education Initiatives and the partnerships with the local governments, agriculture, nurseries/landscapers, utilities, developers, property owners, parks and recreation, sports, tourism industry, small businesses and the service industries.

Ms. Reppen reported on the Water Conservation Summit which would be the kickoff for the stakeholder workshops to develop the Comprehensive Water Conservation Program.

Mr. Dauray provided comment on enforcing the permits issued by the District and also on community outreach.

Mr. Rooney provided comment on the importance of community outreach.

Ms. Estenoz said there is a need to educate the locally-elected officials about water conservation.

Chair Buermann's concern is the next dry season and stated there is a need to begin this education now.

Ms. Wehle said Miami Dade's Water and Sewer Department (WASA) will be partnering with the District on Water Conservation in Miami Dade. Ms. Wehle also stated, in anticipation of another drought, there will be a workshop with the Board in December for suggestions for restoration as well as some ideas for short-term alternative water supplies.

Public Comment: Debra Joneck, Florida Nursery Growers and Landscape Association (FNGLA), supports the program and looks forward to participating in the next water summit.

Bill Schall, Florida Nursery Growers and Landscape Association (FNGLA), Palm Beach County Chapter, applauds the effort by the District for guidelines in watering landscapes.

9. Status of the United States Army Corps of Engineers Tentatively Selected Plan for the Lake Okeechobee Regulation Schedule - Chip Merriam, Deputy Executive Director, Water Resources

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the chronology of the Lake Okeechobee Regulation schedule, and the benefits of and the concerns about the Tentatively Selected Plan (TSP).

Mr. Merriam reported on staff's recommendations to the USACE for consideration of the plan.

Mr. Merriam reported on the anticipated USACE schedule and stated the Final Environmental Impact statement (FEIS) will be published in the Federal Register on November 16th, 2007.

Public Comment: Brooks Moore, representing the USACE, read into the record a statement from Colonel Grosskruger.

Mr. Merriam provided information on the Water Supply and Environment (WSE) schedule and the Tentatively Selected Plan (TSP) for the proposed Interim Lake Okeechobee Regulation Schedule.

Ms. Moore also provided additional information on the flexibility of the TSP and the concerns regarding the Herbert Hoover Dike.

Ms. Estenoz provided comment on the greater flexibility of TSP and the reduction of big pulse releases into the estuaries.

Mr. Collins reported on the WRAC comments regarding the WSE and the TSP for the Lake Okeechobee Regulation Schedule.

Mr. Wade provided comment on the WSE schedule, the impacts to the estuaries, and water supply shortages.

Mr. Collins asked staff to take additional time to see if the USACE can make those commitments regarding timeframes and how the system will be operated.

Ms. Moore stated this is intended to be an interim schedule.

Ms. Estenoz provided comment about the operational plans for Acceler8 and CERP projects under the Yellow Book.

Mr. Wade said if the District accepts the TSP right now, it will become the Lake Okeechobee Regulation Schedule.

Mr. Wade also asked if the USACE will use the TSP for the "Interim Schedule" to operate the Lake when the EAA Reservoir Phase I, and the C-43 and C-44 Reservoirs are built and come on line.

Ms. Moore reported that yes, they will operate under the TSP because of the flexibility and she stated they can achieve WSE-like results.

Mr. Wade said he doesn't believe the TSP has the flexibility. It causes more water supply shortages and more MFL exceedances. He said the flexibility is gone at the bottom-end of the schedule.

Ms. Moore stated Mr. Wade's statements are based on the modeling results that are based on maximum possible releases which will not be how the USACE will implement the schedule through operations.

Ms. Estenoz provided comment on the WSE schedule and the operating system.

Public Comment: Jacquie Cohen, Audubon of Florida, supports the TSPs due to the concerns about the Herbert Hoover Dike.

Public Comment: Michelle Diffenderfer, representing the Seminole Tribe of Florida, stated the Tribe does not support this proposed schedule.

Ms. Estenoz asked Ms. Diffenderfer about the issues regarding the compact.

Ms. Diffenderfer reported on the Tribe's Water Rights agreement and said that the Tribe will experience greater cutbacks under the TSP.

Public Comment: Ted Guy, representing the East Rivers Coalition, said they don't need WSE but supports the need for the TSP.

Public Comment: Lee County Commissioner Tammy Hall, representing Lee County, supports the new schedule. She reported on the benefits to the schedule and the Caloosahatchee Estuary.

Public Comment: Dr. Robert Loflin, representing the City of Sanibel, had concerns regarding the discharges to the estuaries.

Public Comment: Barbara Miedema, representing the Sugar Cane Growers Cooperative, reported on the releases to the estuaries and requested the District urge the USACE to take the time and work out the unresolved issues before publishing the proposed TSP.

Public Comment: Mark Perry, representing the Florida Oceanographic, commented on storing water and said the District and USACE need to work together on this schedule process.

Public Comment: Irene Quincey representing Alico, Inc, had concerns about the impact to water supply from the proposed TSP.

Public Comment: Rae Ann Wessel, representing the Sanibel/Captiva Conservation Foundation (SCCF), provided comment on the damaging discharges to the estuaries on the west coast and water levels. The SCCF supports the flexibility of the TSP.

Public Comment: Alan Pierce, representing the Florida Fruit & Vegetable Association, said neither one of these regulation schedules are perfect but the focus is flood control, water supply and the importance of agriculture relying on water supply.

Ms. Estenoz reported on her concerns regarding the increased MFL exceedances in the Lake and the discharges into the estuaries.

Ms. Moore provided comment on the reformulation from the USACE's perspective.

Commissioner Hall provided concerns from the stakeholders from the West Coast and stated they are hoping the District and the USACE work together regarding the regulation schedule.

Ms. Meeker provided comment on the Lake level, the integrity of the Herbert Hoover Dike and the discharges into the estuaries.

Ms. Moore provided additional information about the operation of WSE.

Ms. Meeker asked for an end date for the Herbert Hoover Dike rehabilitation.

Ms. Moore said she cannot commit to end dates for the Herbert Hoover Dike or the CERP projects.

Mr. Merriam reported on staff's recommendation which was to inform the concerns to the USACE, develop a mechanism that when these come along, the District has some level of certainty water improvements will be put back into the Lake.

Ms. Wehle stated the District needs to submit their comments to the USACE by November 2, and said the District will continue negotiating with the USACE on the issues of the low-end Lake level and have the USACE address this issue with the District as soon as possible.

Mr. Dauray provided comment on the Herbert Hoover Dike rehabilitation.

Mr. Merriam provided staff's recommendations:

- Forward the District's concerns to USACE for consideration.
- Obtain a Biological Opinion for review.
- Negotiate beginning of next regulation schedule process.
- USACE work with the District as Dike Reaches 1, 2 and 3 are repaired to incrementally add water to Lake Okeechobee using TSP's flexibility.
- Start the process soon after finalizing TSP to include new projects as they are built.
- Recognize USACE has challenges with the federal process.
- Address Brighton Reservation water supply issues.

Mr. Wade provided comment on the sunset provisions of the WSE schedule, Littoral zone, navigational issues, water supply, and the forward pumps.

Mr. Wade requested that additional comments be provided to the USACE to extend the time deadline to explore how long it will take to include the sunset provision and to resolve that issues of the forward pumps depending on how the schedule is going to work out.

There was additional Board discussion regarding the WSE schedule.

Mr. Wade requested that the Board recommend a default provision back to WSE unless a new regulation schedule has been developed.

Mr. Collins had concerns about the TSP for the Interim Schedule continuing after Reach 1, 2 and 3, and the CERP projects are completed because of the federal process.

There was additional Board comment on the language and recommendations to the USACE.

Mr. Collins amended the motion as follows:

- USACE commit to the District that as the Herbert Hoover Dike Reaches 1, 2 and 3 are repaired, it will incrementally add water to the Lake using TSP's flexibility.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 9

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

Everglades Restoration Resources

- 10. Everglades Restoration Update** - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, and Tom Teets, Program Implementation Manager, Everglades Restoration

This item was postponed.

- 11. Defining Everglades Restoration Success** - John Ogden, Chief Environmental Scientist, Everglades Restoration Planning Dept.

This item was postponed.

- 13. Everglades Agricultural Area (EAA) Construction Discussion** - Ken Ammon, Deputy Executive Director, Everglades Restoration

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Mr. Strowd reported on the Federal Guidelines for Dam Safety.

Chair Buermann commented on the increased costs of the EAA and Dam Safety Standards.

Ms. Meeker reported on the increased costs of the EAA project.

Mr. Collins provided comment on Dam safety standards for the EAA, the construction contractors of the EAA, and the financial accountability to the taxpayers.

Ms. Wehle said they would workshop the different scenarios regarding the property tax referendums. Ms. Wehle reported on the C-43 and C-44 projects.

Mr. Gutiérrez asked about the initial cost estimate of a levee and at what point did this change and who decided those changes.

Mr. Strowd reported on the Yellow Book and the Engineering Analysis.

Mr. Harkley reported on communicating to the constituents the increased costs pertaining to this project.

Mr. Ammon said the Board had workshopped the overall cost increases for the program twice.

Mr. Collins said the Board will be working closely with staff regarding the costs of the project and stated the Board wants to get this work completed.

Mr. Dauray asked if we could build something other than a dam.

Ms. Estenoz asked if there could be alternative design choices to be made.

Mr. Ammon provided comment on dam safety standards, the 404 permit, and Federal standards.

12. Adjourn

Chair Buermann adjourned the meeting at 4:20 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Nicolás Gutiérrez, seconded by Shannon Estenoz to Approve the following item(s): 12

Vote called. Voting yes: Nicolás Gutiérrez, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.